

1. Plaintiff filed his First Amended Complaint (“Complaint”) and added Health One, Carrasco, and several other parties as defendants. A copy of the Complaint and Summons to both Health One and Carrasco were left at Health One’s offices but neither Health One nor Carrasco were served in accordance with the FED. R. CIV. P. 4(e and h).

2. On July 29, 2021, Counsel for Health One and Carrasco conferred with Plaintiff and an agreement was made whereby: 1) Counsel agreed to accept service of the Summons and Complaint via email or certified mail on behalf of Health One and Carrasco; and 2) in consideration for Counsel accepting service, Plaintiff agreed to extend the deadline for Health One and Carrasco to answer or otherwise respond to the Complaint to sixty (60) days after such service. In the absence of this agreement, Plaintiff would have to incur additional expense and potential delay in obtaining service of process in compliance with FED. R. CIV. P. 4(e and h).

3. Pursuant to the parties’ agreement, Plaintiff emailed the Summons and Complaint to Counsel on July 29, 2021. Pursuant to FED. R. CIV. P. 12(a), Health One and Carrasco’s deadline to respond to the Complaint would be August 19, 2021.

4. Counsel and his clients are investigating the facts and circumstances that form the basis of the Plaintiff’s claims and the potential defenses available to Health One and Carrasco.

5. The parties have reached an agreement to extend the deadline for Health One and Carrasco to file their responsive pleading to sixty (60) days after service of the Complaint, or September 27, 2021.

6. Plaintiff is unopposed to this request.

7. This motion is not sought for the purposes of delay, but so that justice may be done.

WHEREFORE, Defendants Health One and Carrasco respectfully request that this Court grant their motion and extend the deadline for them to answer or otherwise respond to Plaintiff's First Amended Complaint to September 27, 2021.

Dated: July 29, 2021

Respectfully submitted,

ROGER G. JAIN & ASSOCIATES, P.C.



Coleman R. Tucker
TBN: 00786442
9301 Southwest Freeway, Suite 250
Houston, Texas 77074
Tel.: (713) 981-0600
Fax: (888) 200-6848
info@rogergjain.com
coleman@rogergjain.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF CONFERENCE

I certify that I conferred with Brandon Callier, *Pro Se* Plaintiff, via telephone on July 29, 2021 and he is unopposed to the relief requested in this Motion.



Coleman Tucker

CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically submitted to the clerk of the court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the Court. I certify that I have served all *pro se* parties and all counsel of record electronically or by other manner authorized by Rule 5 of the Federal Rules of Civil Procedure on July 29, 2021.

A handwritten signature in black ink, appearing to read "Coleman Tucker", is written above a horizontal line.

Coleman Tucker